

REMARKS

By the present response, Applicant has amended claims 1 and 10 to further clarify the invention. Claims 1, 3, 5-8, 10-12 and 14-18 remain pending in the present application. Reconsideration and withdrawal of the outstanding rejections and allowance of the present application are respectfully requested in view of the above amendments and the following remarks.

In the Office Action, claims 1, 3, 5-8, 10-12 and 14-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art (APA) in view of U.S. Patent Publication No. 2003/0065767 (Pardhy et al.).

35 U.S.C. § 103 Rejections

Claims 1, 3, 5-8, 10-12 and 14-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over APA in view of Pardhy et al. Applicant respectfully traverses these rejections.

Pardhy et al. discloses a method of testing connectivity of networks that includes pinging multiple devices on the network upon a single command. The devices to be pinged are pre-arranged in one or more catalogs (list) and stored in the memory of a connectivity test equipment. A ping catalog is selected and each device in the list automatically is pinged three times from a single ping command. Data from the network devices is parsed, stored and formatted for display to a user.

Regarding claims 1, 10 and 15, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the

combination of each of these claims. For example, the Examiner asserts that the APA discloses measuring a service data amount received or transmitted at a terminal equipment using a terminal in a call connection networking between the TE and a network, in Figure 2 reference characters 10, 20 and 30. However, these portions merely show a terminal equipment 10 that communicates with a packet data serving mode 30 through a mobile terminal 20 and as noted in Applicant's background of the invention on page 3, lines 6-15, a communication provider calculates duration and calculates the number of packets that are transferred between the terminal equipment and the packet data serving mode (i.e. network). This is not a method for measuring by a terminal a service data amount received or transmitted at a terminal equipment in a call connection networking between the terminal equipment and a network, as recited in the claims of the present application. The APA discloses that the communication provider performs the calculation of the number of packets. In contrast, embodiments of the present application as recited in the limitations of the present application relate to a terminal measuring a service data amount received or transmitted at a terminal equipment (see, Applicant's specification page 4, lines 24-25).

Further, the Examiner asserts that the APA discloses cumulatively counting a number of all packets, excluding packets added during a protocol stack setting process, in Figure 2 of the APA and page 3, lines 11-15. However, as has been noted previously, the APA discloses a communication provider monitoring and performing the calculations. This is not cumulatively

counting at the terminal a number of all packets, as recited in the claims of the present application.

The Examiner admits that the APA does not disclose or suggest displaying the counted number of packets on a display of the terminal, but asserts that Pardhy et al. discloses these limitations in Figure 1, reference characters 10, 14 and 16, Figure 4, and paragraphs 30-31. However, Pardhy merely discloses a test equipment 10 that receives instructions from a PC to ping elements on a network 16. Test equipment 10 is not a mobile terminal that measures service data in a call connection networking, as recited in the claims of the present application. Moreover, Pardhy et al. merely discloses a PC sending a command to the test equipment 10 to initiate a pinging operation. The test equipment 10 then transmits data and receives data from the network. This is not measuring by a terminal a service data amount received or transmitted at a terminal equipment in a call connection networking between the terminal equipment and a network, as recited in the claims of the present application. According to the limitations in the claims of the present application, packets are monitored by a terminal where the packets transmitted and are received between a terminal equipment and a network. In contrast, the information monitored in Pardhy et al. related merely to information transmitted between the test equipment and the network, and not between the network and the PC.

Regarding claims 3, 5-8, 11, 12, 14 and 16-18, Applicant submits that these claims are dependent on one of independent claims 1, 10, and 15 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 1, 3, 5-8, 10-12, and 14-18 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

CONCLUSION


In view of the foregoing amendments and remarks, Applicant submits that claims 1, 3, 5-8, 10-12 and 14-18 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

Serial No. **10/619,550**
Reply to Office Action of April 21, 2006

Docket No. **P-0566**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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